

**TOWN OF DAVIE  
AND CITY OF COOPER CITY  
JOINT MEETING  
SEPTEMBER 30, 2003**

The meeting was called to order at 6:00 p.m. by Cooper City Mayor Sue Ellen Fardelmann. Present from the Town were Mayor Truex, Vice-Mayor Starkey, Councilmembers Crowley, Hubert and Paul. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

Sylvia Alderman, special counsel for the City of Cooper City, explained the proceedings required for two municipalities in conflict under Florida law. She explained that the purpose of a joint meeting between two cities in conflict was to consider the statement of issues previously outlined, attempt to seek agreement and schedule additional meetings to seek resolution. If a resolution could not be met, the State required the parties to engage in mediation.

Ms. Alderman discussed Cooper City's legal position and referred the attendees to handouts and a chart, which represented the two parcels that were the subject of the litigation. She stated that Cooper City had filed a lawsuit against the Town, since it appeared that the Town was attempting to use Florida Statute Chapter 171 to annex the parcels under question. Ms. Alderman explained that Chapter 171 could be used for annexation only of unincorporated territory. She stated that there was incorporated territory of Cooper City between the parcel and the Town.

Mr. Kiar stated that the Town Council was present as a show of good faith, and in compliance with the court's order, to seek an amicable resolution of the dispute, pursuant to Chapter 164 of Florida Statutes. He indicated that the Town questioned the accuracy of Cooper City's charts and added that the Town hoped Cooper City would consider dismissing the lawsuit. He explained that the case concerned a landowner who chose to become a part of the Town through a voluntary annexation and stated that the lawsuit by Cooper City unjustly harassed the property owner. Mr. Kiar further indicated that documentary evidence was presented in the past, which showed that Cooper City did not own the strip of land in question. He also stated that Cooper City had attempted to annex the same strip of land two years earlier, but that this action was not approved. Mr. Kiar read an affidavit from Les Spencer, Assistant Director of the Broward County Engineering Department, which stated that the area under question was not within Cooper City's boundaries. He indicated that the Town would use all means necessary to ensure that the property owner's wishes were granted and that the property be annexed into Davie.

Mr. Kiar stated that there were two earlier public hearings on this dispute, and that if Cooper City had an objection, the City's Commissioners should have appeared at those public hearings when they were held, rather than waiting 70 days to file the lawsuit. He concluded by stating that Cooper City had ample time to come before the Town Council to state its objections.

Ms. Alderman indicated that at a previous conflict resolution meeting, Cooper City had suggested hiring an outside surveyor to help resolve the facts related to the strip of land. Mr. Willi responded that the Town did not believe it was necessary to hire an outside surveyor and felt comfortable with the findings provided by Mr. Spencer and Broward County.

Ms. Alderman concluded the legal statements of Cooper City.

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Mayor Fardelmann voiced her opposition to forced annexation into Cooper City and spoke of several past instances where they could have annexed but chose not to. She stated that Cooper City was providing numerous municipal services shared with the Town, but was not receiving contributions toward those costs. Mayor Fardelmann stated that people should be able to choose where they want to live and where they want their address. She requested that both parties try to look past the political and jurisdictional lines, and focus on good government to help the people on a whole.

Vice-Mayor Starkey stated that the two governing bodies needed to reach a peaceful resolution to this dispute. Mayor Truex stated that if the goal of the litigation was to work out a reasonable resolution, it would benefit both Cooper City and the Town. Vice-Mayor Starkey voiced the Town's desire to allow voters to have a say as to where they want to go. She stated that the lawsuit harmed relations between the two governments and stated that as good neighbors, they should not sue each other.

Mayor Fardelmann stated that Cooper City was not open to dismissing the lawsuit. She indicated that the exchange of information necessary between the two governments had not happened as required, so far. She explained that if Cooper City stopped proceedings now, the exchange of information would not happen. Mayor Fardelmann stated that under the circumstances, the two governments should further mediate and try to come to some conclusion, including a referendum if necessary. Mayor Truex stated that the dispute had to be resolved, and suggested that the attorneys work out an amicable solution or a referendum.

Mr. Kiar stated that if it was the wish of Cooper City and the Town, the people of United Ranches could be offered an opportunity to vote in a referendum on where they want to go. Ms. Alderman pointed out that no matter what the two governments wanted to do, they still had to abide by the avenues set out, which were either Chapter 171 or the Special Act. She indicated that they could reach a consensus under the Special Act, but pointed out that Chapter 171 could not be used as it applied to unincorporated land, which made the parcels in question not contiguous. Ms. Alderman stated that at this point, the Town was not willing to withdraw its ordinances and Cooper City was not willing to withdraw its lawsuit. She indicated that the two governments could still go forward with mediation.

Mr. Kiar suggested that if both parties wished to have a referendum to allow the people of United Ranches to vote, it would be a good approach for all.

Mayor Fardelmann stated that Cooper City was not withdrawing its disagreement with the Town action. She asked if the Town would agree to jointly hire an outside surveyor to sort out the boundary issues, which might move the process along so it would not evolve into a courtroom issue. Mr. Kiar indicated that the Town was comfortable relying on the information provided by Mr. Spencer.

Mr. Willi stated that if the residents of United Ranches wished to be annexed into Davie, the Town would be prepared to provide full municipal services.

Mayor Truex stated that his idea of a resolution was to abate the areas in dispute and try to work toward a common goal. He questioned how helpful using an outside surveyor was to the process and voiced his opposition to the parties arguing over legal technicalities. Mayor Truex asked if Cooper City cared in the end whether the residents of United Ranches had the

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opportunity to choose where they wanted to go. Ms. Alderman stated that that was not the question at issue.

Commissioner Scott Kleimann stated that according to the law, the residents did not have the right to vote and that the matter was not an issue of choice. He stated that the Town should not be soliciting residency into their town. Commissioner Kleimann explained that the land was an enclave in Cooper City and said he did not approve of the Town's efforts to solicit those residents. He felt confident that the law would support Cooper City.

Vice-Mayor Starkey wanted the two sides to work together to come to an amicable resolution. She stated that in many past instances, Cooper City had indicated a willingness to allow the residents of unincorporated areas to choose for themselves. Vice-Mayor Starkey stated that in her opinion, the will of the people should be supported. She also indicated that it was better to resolve these issues via dialogue, not lawsuits.

Commissioner Kleimann stated that he supported a voluntary annexation when there was a choice, an area contiguous to more than one municipality. He stated that while he supported the issue of the right to vote, it was where the right had a legal basis, which did not apply in this case. Commissioner Kleimann indicated that the two parties were at an impasse, and he was not sure why they were spending more time posturing on the issue when the court could decide.

Mayor Truex agreed with Commissioner Kleimann that the two parties were at an impasse. He stated that there was no need to continue the discussion and that they should move on to the next step.

Ms. Alderman indicated that the next step would be mediation and outlined the rules for mediation proceedings.

There being no further business to discuss, the meeting adjourned at 7:09 p.m.

Approved \_\_\_\_\_

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Mayor/Councilmember

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Town Clerk

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